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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/682,234	08/08/2001	David Pincus	Gems0111/YOD	9888

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EXAMINER	
TRAN, PABLO N	

ART UNIT	PAPER NUMBER
2685	6

DATE MAILED: 10/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/682,234	PINCUS, DAVID	
	Examiner	Art Unit	
	Pablo N Tran	2685	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 July 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-33* is/are pending in the application.

4a) Of the above claim(s) *13-17 and 24-33* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12,23 and 28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: For example, Figure 2, Item 50, legend "MONITOR" is missing. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-12 and 18-23 are rejected under 35 U.S.C. 102(b) as being anticipated by *Wood, Jr. et al.* (5,894,266).

As per claim 1, *Wood, Jr. et al.* disclose wireless communication system having a programmable interface (fig. 1/no. 14, fig. 5, col. 1/ln. 64-col. 3/ln. 10, col. 9/ln. 33-37) operable to communicate data from a device to a transmitter in accordance with a communication protocol and a programming system (fig. 1/no. 10) selectively coupleable to the interface to enable a wireless communication system user to program the interface to communicate with any one of a plurality of devices using different communication protocols (col. 7/ln. 42-64) to communicate data.

As per claim 2, *Wood, Jr. et al.* disclose the interface is operable to be programmed to communicate with a first device using a first communication protocol and then to be re-programmed to communicate with a second device using a second communication protocol (col. 7/ln. 42-64, col. 9/ln. 33-50).

As per claim 3, *Wood, Jr. et al.* disclose the programming system comprises a computer system that enables a user to direct the selection of programming provided to the interface (col. 7/ln. 42-64, col. 9/ln. 33-50).

As per claim 4, *Wood, Jr. et al.* disclose the programming system comprises a database of devices and programming to enable the interface to communicate with a device in the database of devices (col. 2/ln. 15-29).

As per claim 5, *Wood, Jr. et al.* disclose the interface comprises a first electrical connector configured for mating engagement with an external electrical connector selectively coupleable to the programming system (col. 5/ln. 29-42).

As per claim 6, *Wood, Jr. et al.* disclose the transmitter comprises a transponder (fig. 5-6) operable to receive a first signal at a first frequency and to transmit a second signal at a second frequency (col. 7/ln.30-41, col. 11/ln. 37-51).

As per claim 7, *Wood, Jr. et al.* disclose the interface comprises a second electrical connector configured for mating engagement with the transmitter (fig. 5-6, col. 5/ln. 29-43).

As per claim 8, *Wood, Jr. et al.* disclose a cell controller and an antenna coupled to the cell controller, wherein the antenna is operable to transmit a first signal to the transmitter and to receive a second signal from the transmitter (fig. 4, col. 5/ln. 44-65).

As per claim 9, *Wood, Jr. et al.* disclose the interface comprises memory to store the programming provided by the programming system (fig. 5/no. 62).

As per claim 10, *Wood, Jr. et al.* disclose the interface further comprises a processor coupled to the device and to memory, wherein the processor executes the programming stored in memory to communicate device data to the transmitter (fig. 5/no. 60).

As per claim 11, *Wood, Jr. et al.* disclose the cell controller (fig. 4/no. 52) is coupled to an information system (fig. 4/no. 10).

As per claims 12 and 23, *Wood, Jr. et al.* disclose the interface and the transmitter are housed within a single housing (fig. 5).

As per claim 18, *Wood, Jr. et al.* disclose a cell controller (fig. 4/ln. 52, col. 5/ln. 29-col. 6/ln. 12) and a plurality of antennas electrically coupled to the cell controller and each antenna being operable to transmit a first signal and to receive a second signal, a

transmitter (fig. 5) operable to receive the first signal and to transmit the second signal, and an interface (fig. 4/no. 14) electrically coupled between an asset (abstract, col. 1/ln. 32-45) and a transmitter to communicate asset data to the transmitter for transmission as a portion of the second signal, wherein the interface is programmable by a wireless communication system user to enable the interface to communicate with an asset and a transmitter using different communication protocols (col. 7/ln. 42-64).

As per claim 19, *Wood, Jr. et al.* disclose a programming unit (fig. 1/no. 10) operable to program the interface to communicate using a selected communication protocol.

As per claim 20, *Wood, Jr. et al.* disclose the communication protocol is selected by selecting a desired asset to communicate with the interface (col. 7/ln.30-41, col. 11/ln. 37-51).

As per claim 21, *Wood, Jr. et al.* disclose the asset data is an operating parameter of the asset (abstract, col. 1/ln. 32-45).

As per claim 22, *Wood, Jr. et al.* disclose the operating parameter is the operating status of the asset (abstract, col. 1/ln. 32-45).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bates (6,774,762), Bonneau et al. (6,577,229), Shaffer (6,532,360), Kubler et al. (6,525,648), Sadler (6,381,541), and Tuttle (6,112,152) disclose radiotelephone tracking system.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pablo Tran whose telephone number is (703)308-7941. The examiner normal hours are 9:30 -5:00 (Monday-Friday). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached at (703)305-4385.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

October 13, 2004

PABLO N. TRAN
PRIMARY EXAMINER